

RECEIVED  
CENTRAL FAX CENTER

JAN 19 2005

PATENT

801.0004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Dobbins  
Serial No.: 09/960,595  
Filed: September 21, 2001  
For: METHODS AND APPARATUS FOR AN ELECTRONIC DROP SAFE  
Group: 3627  
Examiner: Chilcott, Richard

---

Durham, North Carolina  
January 19, 2005

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**SHOWING OF COMMON OWNERSHIP  
PURSUANT TO 37 C.F.R. § 1.104(a)(5)(i)**

Dear Sir:

The present application was filed on September 21, 2001 and claims the benefit of United States Provisional Patent Application Serial No. 60/234,133 filed September 21, 2000. In a first action final Official Action mailed on December 1, 2004, claims 26-30, 109, 111, 112, 115 and 116 were rejected under 35 U.S.C. 103(a) over Brooks et al. U.S. Patent No. 6,067,530 (Brooks) in view of Miller et al. U.S. Patent No. 5,202,825 (Miller) and Reger U.S. Patent No. 6,643,843 (Reger). Claims 110, 113, and 114 were also rejected under 35 U.S.C. 103(a) over the same three items in combination. Claims 119 and 120 were rejected under 35 U.S.C. 103(a) based on

Appl. No. 09/960,595  
Amdt. dated January 19, 2005  
Reply to Office Action of December 1, 2004

Brooks, Miller and Reger further in view of Green et al. U.S. Patent No. 6,443,359(Green).

Thus, all of the rejections hinge on the application of Reger. Reger issued on November 4, 2003 based on an application filed on November 23, 1999. It is first respectfully noted that, although not explicitly set forth in the December 1, 2004 Official Action, the present rejections of the claims are statutorily based upon 35 U.S.C. § 102(e) with respect to Reger because it issued after September 21, 2000, the filing date of the present application. 35 U.S.C. § 103(c), which is applicable to all applications filed on or after November 29, 1999, states:

Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

At the time the present invention was made, the present invention and Reger were owned by, or subject to an obligation of assignment to, the same person, Ellenby Technologies Inc. Pursuant to 37 C.F.R. § 3.73(b)(1)(ii), ownership is established by submitting to the Office a signed statement identifying the assignee, accompanied by:

A statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (e.g., reel and frame number).

The assignment information for the present invention and Reger are as follows:

Present invention: Reel 012499, Frames 0917-0918, recorded January 18, 2002; and

Reger: Reel 010420, Frames 0635-0637, recorded November 23, 1999.

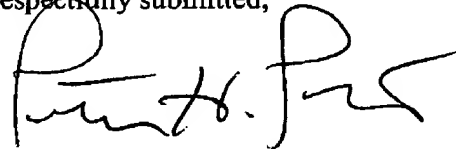
These assignments convey the entire rights in the respective inventions to Ellenby Technologies, Inc., a corporation of the State of New Jersey. Thus, pursuant to 37 C.F.R. §

Appl. No. 09/960,595  
Amdt. dated January 19, 2005  
Reply to Office Action of December 1, 2004

3.73(b)(1)(ii), it is respectfully submitted that the necessary showing of common ownership has been made.

Thus, 35 U.S.C. § 103(c), as amended, serves to exclude Reger as prior art for the present application, because the filing of the present application was filed on September 21, 2001, a date after November 29, 1999. It is respectfully requested that the claims should be promptly allowed. A Response to Final Official Action accompanies this Showing of Common Ownership.

Respectfully submitted,



Peter H. Priest, Esq.  
Reg. No. 30,210  
5015 Southpark Drive, Suite 230  
Durham, NC 27713-7736  
(919) 806-1600